

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re dispositive motion practice in cases
assigned to The Hon. Paul A. Magnuson

ORDER

The following are deemed Dispositive Motions under this Order:

1. Motions for preliminary or permanent injunctive relief;
2. Motions to dismiss, for judgment on the pleadings, or for summary judgment;
3. Motions to certify a class action;
4. Motions to exclude expert testimony under Daubert v. Merrill Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), and/or Federal Rule of Evidence 702;
5. Motions to remand or transfer; and
6. Motions to compel arbitration.

Absent permission of the Court, a party moving for a Temporary Restraining Order must file and serve its motion papers, in addition to the Summons and Complaint, on the proposed-enjoined party before the Court will entertain the motion.

A Motion for Temporary Restraining Order is not subject to the 42-day rule set forth below; rather, the Courtroom Deputy will advise the parties of the hearing date and briefing schedule.

All motions for injunctive relief and motions to exclude expert testimony will be handled without live witness testimony absent advance permission from the Court.

Notwithstanding the provisions of Local Rules 7.1(c)-(d), **IT IS ORDERED** that the following procedures shall apply to the dispositive motion practice in this case:

1. The moving party shall first contact the Court's Courtroom Deputy, Lynn Magee, at (651) 848-1150, to secure a hearing date at least 42 days in the future. Once the moving party has secured a hearing date, it shall promptly file a notice of motion informing all parties of the nature of the motion and the date, time, and location of the hearing (U. S. District Court/Federal Building, 316 Robert Street North, Courtroom 7D, Saint Paul, MN 55101).

2. The moving party shall serve and file the following documents at least 42 days before the scheduled hearing: Motion, Memorandum of Law, and Affidavits and Exhibits. The party shall provide the Court with two hard copies of its Memorandum, and one copy of any Affidavits and Exhibits.

3. The responding party shall serve and file the following documents at least 21 days before the hearing: Memorandum of Law, and Affidavits and Exhibits. The party shall provide the Court with two hard copies of its Memorandum, and one copy of any Affidavits and Exhibits.

4. The moving party may serve and file a Reply Memorandum of Law at least 14 days before the hearing. A Reply Memorandum shall not raise new grounds for relief or present matters that do not relate to the response, and the party shall provide the Court with two hard copies of its Reply Memorandum and one copy of any Affidavits and Exhibits.¹

¹ In light of COVID-19, the requirement to provide courtesy copies has been suspended indefinitely.

5. Judge Magnuson rarely holds oral argument on Daubert motions; the courtroom deputy will inform the parties if oral argument is necessary. In addition, it is Judge Magnuson's strong preference that Daubert motions be filed and scheduled in conjunction with motions for summary judgment if at all possible.

6. Parties are discouraged from providing the Court with Notices of Electronic Filing, Word Count Compliance Certificates, and Certificates of Service.

7. If the Court *sua sponte* cancels the hearing or continues the hearing date, all subsequently filed motions papers must be served as if the original hearing date were still in effect, unless otherwise directed by the Court.

8. Parties need not meet and confer, as required under Local Rule 7.1(a), in advance of filing a dispositive motion, although they are encouraged to do so to attempt to narrow the issues presented to the Court.

All other provisions in Local Rule 7.1 are unaffected by this Order and remain applicable, including the word limitations in Rule 7.1(f).

If a Defendant enters its appearance after this Order is filed, the Plaintiff(s) is directed to notify the Defendant of the existence of this Order and furnish a copy hereof.

Dated: May 6, 2021

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge